

From: Middleton, Deshawn (Contractor)
Sent: 20 Sep 2018 12:06:31 +0000
To: McCampbell, Gregory
Subject: FOIA Request 18-02747-F

Good Morning,

As I'm sure you are aware, the **09/28/18** DUE DATE represents the date by which the FOIA Service Center (FSC) must forward a response to the requester of the above-noted FOIA Request. If at all possible, could you provide us with an estimate of when responsive documents will be provided to FSC. Additionally, please provide an estimate of the search and review times, the approximate number of responsive document pages, and the pertinent GS Level(s) of the reviewer(s). We currently have **six (6)** business days left before the 20-day response period expires.

Thanks,

DeShawn Middleton



FOIA Service Center, OM/OCPO
U.S. Department of Education
400 Maryland Ave. SW, Room 7C102
Washington, DC 20202-4510
FOIA Hotline (202) 401-8365

From: Middleton, Deshawn (Contractor)
Sent: 16 Oct 2018 18:37:13 +0000
To: McCampbell, Gregory
Subject: FOIA Request 18-02747-F

Good Afternoon,

Please provide a status update for the above mentioned request. I appreciate your time and attention to this matter.

Thanks,

DeShawn Middleton



FOIA Service Center, OM/OCPO
U.S. Department of Education
400 Maryland Ave. SW, Room 7C102
Washington, DC 20202-4510
FOIA Hotline (202) 401-8365



Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4536

SUBJECT: FOIA 18-02747-F

DATE: September 13, 2018

Dear FOIA Coordinator:

A FOIA request has been referred to OESE for action.

FROM: CJ Ciaramella

Please provide the following requested items:

- The memo submitted to the White House Office of National Drug Control Policy's Marijuana Policy Coordination Committee regarding the negative impacts of marijuana legalization and increased use.

Requested Date: August 29, 2018

Date Received in OM/RIMS: August 30, 2018

Completion Target Date for the Department of Education: September 28, 2018

****Please note that **the age of the case (11)** represents how long it has been in the Department and may not necessarily be how long it has been with a particular program office. **The Completion Target Date for the Action Office determines whether it is overdue from the Action Office.***

MULTI-TRACK TYPE: Complex

****Please note that a copy of the initial request is located and can be viewed in FOIAXpress under the correspondence log for this case.*

ADDITIONAL NOTES:

[ACTION OFFICE] is required to send the FOIA Public Liaison assigned to this request an initial follow up communication within 10 business days of September 13, 2018 or receipt of this assignment to resolve any issues related to the request and complete the attached sheet.

REMEMBER—FOIA requires federal agencies to respond to FOIA requests within 20 business days after the office that maintains the responsive records receives the request or offer an explanation for a delay.

Thank you, FOIA Service Center

RESPONDING TO FOIA SEARCH MEMO

1. Timeliness:

Always keep in mind that the Department generally has twenty working days in which to make a response determination on the request once the office that maintains the responsive records receives the request.

2. Search:

Conduct a thorough search for responsive material wherever records are reasonably likely to be located, and provide the [requested] record in any form or format requested by the person if the record is readily reproducible in that form or format (i.e., records maintained in an electronic format).

Records Locations

- File cabinets and file folders for hard copy files.
- Shared drives for electronic records.
- Databases.
- Archives, etc.

Email

- The search should include official (e.g., authorized ED email accounts) and non-official email accounts (e.g., personal email accounts).
- Government employees may not use a non-official e-mail account for official business unless they copy their official account or forward any such message to their official account within 20 days (*see Competitive Enterprise Institute v. OSTP*, No. 15-5128, 2016 WL 3606551 (D.C. Cir. July 5, 2016) and the 2014 Federal Records Act amendments).
- Any records responsive to the request on a non-official email account that were not copied into the Government employee's official email account must be provided to the FOIA Office as part of the search response.
- Contact the FSC or OGC to conduct an administrative search for employees who are no longer at ED.
- Other administrative searches for responding to FOIA Requests for the Department as a whole, multiple program offices or individual program offices will be conducted on a case-by-case basis.

Electronic Messaging (e.g., Text messaging, Instant Messaging)

(*See* NARA Guidance on Managing Electronic Messages – Bulletin 2015-02)

- Electronic messages created or received in the course of agency business are Federal records.
- ED must capture and manage these records in compliance with Federal records management laws, regulations, and policies.
- OCIO may contact the vendor for the retrieval of the records if the information is not directly obtainable through the portable device.

(NOTE: Whether shared on publicly *or privately-owned devices*, electronic communications can be considered “public records” and, therefore, may be subject to FOIA).

3. Referral:

Please do not hesitate to provide additional assistance or advice in helping to locate responsive material. If there are other offices that should also review this request (in addition to those listed above), please let us know ASAP.

4. Keep Track of Search Time:

Remember to always keep track of the amount of time taken to search for responsive records so that we can assess any applicable fees to the requester. Do not provide a response or search for or copy any records if there are clarification issues. Wait until issues are resolved.

5. Send Initial Follow up Communication to the FOIA Service Center:

In responding to the FOIA Service Center (FSC), please complete the following. (Check one or more that apply.)

_____ Other AOs (not previously assigned) are likely to have responsive records, and should be tasked to conduct searches.

Identify other offices, if known: _____

_____ Request is properly classified in FOIAXPress (simple vs. complex).

_____ Fee estimate needs to be prepared for the request.

_____ Request needs to be clarified/narrowed, as follows:

_____ Description of desired records.

_____ Scope of request (date range, overly board, other quantifying factors).

_____ FSC, AO(s) and Subject Matter Expert(s) will need to collaborate to develop a letter (or e-mail) asking for specific questions to or clarification from the requester when request is not clear.

NOTE: A copy of the requester’s response to the clarification request must be sent to EDFOIAManager@ed.gov immediately upon receipt.

4. Seeking Technical Assistance from the FOIA Service Center:

Should you need help determining whether the document(s) is/are responsive to the request, please do not hesitate to seek assistance from the FOIA Service Center or the FOIA Public Liaison assigned to this request.

Reviewed by: _____

From: McCampbell, Gregory
Sent: 29 Jan 2019 18:50:54 +0000
To: ED FOIA Manager
Cc: Middleton, Deshawn (Contractor)
Subject: FOIA Request Assignment 18-02747-F

ED FOIA Manager:

Documents already exists in FOIAxpress for this case.

The documents are located in the 2019 Cabinet Drawer, under the Index tab Request# “**18-02777-F**” and are in following folders:

- **FOLDER:** ED Concerns re Marijuana Use Production and Trafficking
 - **FOLDER SECTION:** Inside Higher ED FOIA Request

There are no cost recovery fees associated with pre-existing cases. Please prepare for closing for OESE.

Thank you.

Gregory E. McCampbell, BA, MFA
FOIA Coordinator/Government Information Specialist
Office of Elementary and Secondary Education
and Office of English Language Acquisition
U. S. Department of Education, Room 3W253
400 Maryland Avenue, SW
Washington, DC 20202-6400
Phone: (202) 260-1927
E-mail: gregory.mccampbell@ed.gov

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From: ED FOIA Manager
Sent: 29 Jan 2019 21:00:05 +0000
To: McCampbell, Gregory; ED FOIA Manager
Cc: Middleton, Deshawn (Contractor)
Subject: RE: FOIA Request Assignment 18-02747-F
Importance: High

Good Afternoon,

We have completed process and close actions for request 18-02747-F.

FPL Notification: D. Middleton, Documents located.

The specified folder has been added to the Review Log.

ED FOIA MANAGER (Sandra)

From: McCampbell, Gregory
Sent: Tuesday, January 29, 2019 1:51 PM
To: ED FOIA Manager
Cc: Middleton, Deshawn (Contractor)
Subject: FOIA Request Assignment 18-02747-F

ED FOIA Manager:

Documents already exists in FOIAxpress for this case.

The documents are located in the 2019 Cabinet Drawer, under the Index tab Request# “**18-02777-F**” and are in following folders:

- **FOLDER:** ED Concerns re Marijuana Use Production and Trafficking
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Thank you.

Gregory E. McCampbell, BA, MFA
FOIA Coordinator/Government Information Specialist
Office of Elementary and Secondary Education
and Office of English Language Acquisition
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